

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussions, is respectfully requested.

Claims 1-20 are currently pending in the application. Claim 20 has been added herewith. The addition is supported by the originally filed specification, including originally filed claim 15, and does not introduce any new matter.

In the outstanding Office Action, Figures 23A, 23B, 24A, 24B, 25A, 25B and 25C were objected to; Claims 1-4, 7-12 and 14-17 were rejected under 35 U.S.C. § 102(e) as anticipated by Hunt et al. (US Patent No. 6,539,422 (hereinafter “the ‘422 patent”)); Claims 18 and 19 were rejected under 35 U.S.C. § 102(e) as anticipated by Spence et al. (US Patent No. 6,487,581 (hereinafter “the ‘581 patent”)); Claims 6 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over the ‘422 patent in view of Yamane et al. (US Publication No. 2003/0041093); and Claim 5 was rejected under 35 U.S.C. § 103(a) as unpatentable over the ‘422 patent in view of Special Notice.

In response to the objection to the drawings, new drawings overcoming this ground for objection have been filed herewith. It is requested that this ground for objection be withdrawn.

In response to the rejection of claims 1-7 under 35 U.S.C. § 102(e), Applicants respectfully traverse that ground for rejection. The Office Action alleges that col. 4, lines 13-23 of the ‘422 patent as teaching selecting “a first protocol of the plural communications protocols to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit.” Then, the Office Action asserts that col. 4, lines 13-23 disclose “a second protocol of the plural communications protocols to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit.” First, Applicants respectfully submit that it is unclear which of the

various computer components the Office Action is alleging corresponds to this element. Is it the ADC, the remote computer or the network controller (or something else) of Figure 1 (or some other figure)? Second, assuming that the ADC is the at least one of a device, an appliance, an application and an application unit, col. 3, lines 55-58, disclose that translators are used to translate between an ADC's format and SNMP and vice versa. This means that the ADCs each only use one format, not two formats. Col. 4 does not disclose that an additional format is used by the ADCs. Moreover, the claims are directed to communication protocols and not formats, so the citations do not appear to be on point. Consequently, the first and second protocols, as claimed in claim 1, are not disclosed. The Office Action does not suggest a rejection under 103(a), and thus it is respectfully submitted that there is no reason to discuss such a rejection. Therefore, claim 1 and its dependent claims 2-7 are patentable over the cited reference.

As for claim 8, the Office Action asserts in section 5 that claim 8 is rejected for reasons similar to those given for claim 1. However, it is respectfully submitted that claim 1 recites first and second protocols while claim 8 recites first and second communications formats. Thus, the Office Action has not actually established a *prima facie* case of anticipation because it has not even alleged that the '422 patent teaches all the elements of claim 8. Nonetheless, Applicants have presented above arguments showing that the '422 patent does not disclose the ADCs utilizing either plural communication protocols or formats. Thus, claim 8 and its dependent claims 9-17 are not anticipated by the cited reference.¹ Since the above arguments also cover claims 5, 6 and 13, those claims will not be separately discussed herein.

In response to the rejection of claim 18, Applicants respectfully traverse the rejection. The Office Action cites cols. 3 and 4 of the '581 patent as disclosing first and second

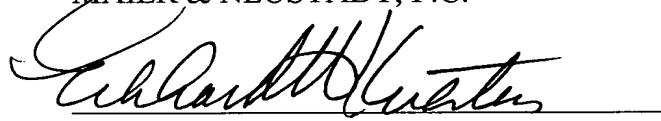
¹ Applicants would note that the same reasoning applies to claims 18 and 19 as apply to claims 1 and 8.

protocols for transferring "data between the remote receiver and at least one of a device, an appliance, an application and an application unit." However, both of the cited sections describe different clients as interacting with a server, thus plural protocols are not used by a single device, appliance, application or application unit. As such, the claimed elements are not anticipated by the '581 patent. Also, as described above with respect to claim 8, the elements of claims 18 and 19 are different as the claim plural communications protocols and formats, respectively. Thus, claim 19 (and new claim 20) are not anticipated either. Moreover, as described above, plural clients are described with respect to the '581 patent, not a single client that utilizes either plural communications protocols or formats.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome and in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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